



PATENT  
Attorney Docket No. 23435-004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : Randall B. METCALF      CONFIRMATION NO.: 3143  
SERIAL NUMBER : 08/749,766      EXAMINER : D. Swerdlow  
FILING DATE : November 20, 1996      ART UNIT : 2644  
FOR : Sound System and Method for Capturing and Reproducing Sounds  
Originating From a Plurality of Sound Sources

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

MAY 18 2004

Technology Center 2600

TRANSMITTAL LETTER

Sir:

Transmitted herewith for filing in the present application are the following documents:

1. Transmittal Letter (in duplicate);
2. Statement;
3. Notice of Appeal (in duplicate); and
4. Check in the amount of \$165.00.

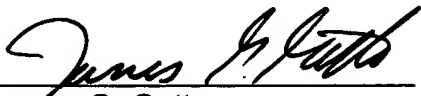
Our check for \$165.00 is enclosed covering any required fees. In the event any variance exists between the amount enclosed and the Patent and Trademark Office charges, please charge or credit the difference to our Deposit Account 50-0311, Reference No. 23435-004. A duplicate copy of this letter is enclosed for that purpose.

If the enclosed papers are considered incomplete, the Mail Room is respectfully requested to contact the undersigned at (703) 464-4800.

Dated: May 13, 2004

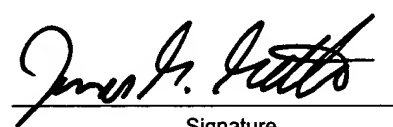
Respectfully submitted,

Customer Number  
29315

  
James G. Gatto  
Registration No.: 32,694  
MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND  
POPEO P.C.  
12010 Sunset Hills Road, Suite 900  
Reston, Virginia 20190  
703-464-4800



AF 181  
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B.D.  
5/19/04

<b>NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES</b>		<b>Docket Number (Optional)</b> 23435-004	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Assistant Commissioner for Patents, Washington D.C. 20231" on _____.	In re Application of Randall B. METCALF		
	Application Number 08/749,766		Filed November 20, 1996
	For: Sound System and Method for Capturing and Reproducing Sounds Originating From a Plurality of Sound Sources		
	Group Art Unit 2644		Examiner Daniel Swerdlow
Signature _____ Typed or printed Name _____			
<p>Applicant hereby <b>appeals</b> to the Board of Patent Appeals and Interferences from the decision of the examiner.</p> <p style="text-align: center;"><b>RECEIVED</b> <b>MAY 18 2004</b> <b>Technology Center 2600</b></p> <p>The fee for this Notice of Appeal is (37 CFR 1.17(b)) <u>\$330.00</u></p> <p><input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: <u>\$165.00</u>.</p> <p><input checked="" type="checkbox"/> A check in the amount of the fee is enclosed.</p> <p><input type="checkbox"/> The Commissioner has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.</p> <p><input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 50-0311. I have enclosed a duplicate copy of this sheet.</p> <p><b>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</b></p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record.</p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34(a). Registration number if acting under 37 CFR 1.34(a): _____</p> <p style="text-align: right;"> Signature</p> <p style="text-align: right;">James G. Gatto Reg. No. 32,694 Typed or printed name</p> <p style="text-align: right;">May 13, 2004 Date</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below".</p> <p><input type="checkbox"/> *Total of _____ forms are submitted.</p>			

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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Application Serial No.: 08/749,766  
Attorney Docket No.: 23435-004



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STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. § 1.191, Applicant hereby appeals to the Board of Patent Appeals and Interferences from the Examiner's May 10, 2004 Office Action finally rejecting all claims in the above-identified application. Each rejection of each claim is hereby appealed.

Dated: May 13, 2004

Respectfully submitted,

Customer Number  
29315

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Registration No.: 32,694  
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